

8/27/2012 4:31 PM

DOCKET NO. D-1974-176 CP-3

DELAWARE RIVER BASIN COMMISSION

**Borough of Myerstown
Wastewater Treatment Plant
Jackson Township, Lebanon County, Pennsylvania**

PROCEEDINGS

This docket is issued in response to an Application submitted to the Delaware River Basin Commission (DRBC or Commission) by ARRO Consulting, Inc. on behalf of the Borough of Myerstown on March 19, 2012 (Application), for approval of a wastewater treatment plant (WWTP). National Pollutant Discharge Elimination System (NPDES) Permit No. PA0021075 for this project was previously approved by the Pennsylvania Department of Environmental Protection (PADEP) on April 1, 2007.

The Application was reviewed for continuation of the project in the Comprehensive Plan and approval under Section 3.8 of the *Delaware River Basin Compact*. The Lebanon County Planning Commission has been notified of pending action. A public hearing on this project was held by the DRBC on September 12, 2012.

A. DESCRIPTION

1. Purpose. The purpose of this docket is to approve the docket holder's existing 2.0 million gallons per day (mgd) Myerstown WWTP. The Myerstown WWTP was approved via Docket No. D-1974-176 CP-2; however the docket holder did not submit an application for renewal prior to the docket expiration date of February 28, 2012.

2. Location. The project WWTP is located on East Mill Avenue approximately 1,500 feet southeast of the intersection of East Main Avenue and Quarry Drive in Jackson Township, Lebanon County, Pennsylvania. The WWTP will continue to discharge to Tulpehocken Creek, a tributary of the Schuylkill River, at River Mile 92.47 – 76.8 – 34 (Delaware River - Schuylkill River - Tulpehocken Creek).

The project outfall is located in the Tulpehocken Creek Watershed as follows:

OUTFALL NO.	LATITUDE (N)	LONGITUDE (W)
001	40° 22' 34"	76° 17' 16"

3. **Area Served.** The WWTP will continue to serve Myerstown Borough, the Millcreek-Richland Authority, and Jackson Township, Lebanon County, Pennsylvania, as well as the Millcreek – Richland Authority which serves portions of Millcreek Township and Richland Borough, also located in Lebanon County.

For the purpose of defining the Area Served, sections B (Type of Discharge) and D (Service Area) of the docket holder's Application are incorporated herein by reference, to the extent consistent with all other conditions contained in the DECISION Section of this docket.

4. **Physical Features.**

a. **Design Criteria.** The docket holder's 2.0 mgd WWTP treats domestic, commercial and industrial sanitary wastewater. The Myerstown Borough WWTP treatment process includes biological nutrient removal with an ORBAL mixed reactor and chemical phosphorous removal. All wastewater treated at the Myerstown Borough WWTP facility is discharged into Tulpehocken Creek.

b. **Facilities.** The existing WWTP treatment processes include a headworks consisting of grinding, fine screening and grit removal. Following the headworks, flow is pumped from the wet well to an ORBAL Oxidation Ditch, where BOD, Total Suspended Solids and biological nutrient removal occurs. Phosphorus is removed biologically and chemically. The Oxidation Ditch is followed by final clarification. The clarified effluent is disinfected by ultraviolet light. After UV treatment, there is post aeration and flow measurement. Waste activated sludge is removed from clarifiers and gravity thickened prior to aerobic digestion in one of two parallel aerobic digesters.

Several of the WWTP facilities are located in the 100-year floodplain. The docket holder indicated in the Application that the WWTP facilities located in the floodplain are flood proofed up to the flood protection elevation (one foot above the 100-year flood elevation). A small portion of the facilities are located in the 100-year floodway, this part of the building was constructed back in 1970s when the original facility was constructed.

Emergency power is provided by standby 1,000 kilowatt (kW) diesel powered generator.

Wasted sludge will continue to be hauled off-site by a licensed hauler for disposal at a (State approved) facility.

c. **Water Withdrawals.** The potable water supply in the project service area is provided by the Myerstown Borough Water Authority via DRBC Docket No. D-1981-067 CP-3, approved on July 20, 2005.

d. **NPDES Permit / DRBC Docket.** The NPDES Permit No. PA0021075, effective on April 1, 2007, includes final effluent limitations for the project discharge of 2.0 mgd to surface waters classified by PADEP as trout stocked fishery (TSF), water supply, recreation, and fish consumption. The following average monthly effluent limits are among those listed in the NPDES permit and meet or are more stringent than the effluent requirements of the DRBC.

EFFLUENT TABLE A-1: DRBC Parameters Included in NPDES Permit

OUTFALL 001 (Discharge to the Tulpehocken Creek)		
PARAMETER	LIMIT	MONITORING
pH (Standard Units)	6 to 9 at all times	As required in NPDES permit
Total Suspended Solids	30 mg/l	As required in NPDES permit
CBOD ₅ (5-1 to 10-31)	17 mg/l (85% minimum removal*)	As required in NPDES permit
(11-1 to 4-30)	25 mg/l (85% minimum removal*)	
Ammonia Nitrogen (5-1 to 10-31)	5.5 mg/l	As required in NPDES permit
(11-1 to 4-30)	16.5 mg/l	
Fecal Coliform (5-1 to 9-30)	200 / 100 ml as a geo. avg.	As required in NPDES permit
(10-1 to 4-30)	2,000 / 100 ml as a geo. avg	

* DRBC Requirement

EFFLUENT TABLE A-2: DRBC Parameters Not Included in NPDES Permit

OUTFALL 001 (Discharge to the Tulpehocken Creek)		
PARAMETER	LIMIT	MONITORING
Total Dissolved Solids*	Monitor and Report*	One Per Quarter *

* See Condition II.p. in the Decision Section

e. **Relationship to the Comprehensive Plan.** The DRBC included the Myerstown WWTP in the Comprehensive Plan on December 4, 1974 with Docket No. D-1974-176 CP. An expansion of the project WWTP was approved via Docket No. D-1974-176 CP-2 on February 28, 2007.

B. FINDINGS

The purpose of this docket is to renew the approval of the docket holder's existing 2.0 mgd Myerstown Borough WWTP. No modifications to the WWTP are proposed.

On February 28, 2007, the Commission approved DRBC Docket No. D-1974-176 CP-2 the renewal of the Borough of Myerstown WWTP. The docket holder did not submit an application for renewal prior to the docket expiring on February 28, 2012.

The limits in the NPDES Permit are in compliance with Commission effluent quality requirements, where applicable.

The project is designed to produce a discharge meeting the effluent requirements as set forth in the *Water Quality Regulations (WQR)* of the DRBC.

The nearest surface water intake of record for public water supply downstream of the project discharge is operated by the Western Berks Water Authority, located on the Tulpehocken Creek, downstream of Blue Marsh Reservoir, greater than 20 miles downstream.

Directly upstream of the project site, the Tulpehocken Creek has an estimated seven day low flow with a recurrence interval of ten years of 12.8 mgd (19.9 cfs). The ratio of this low flow to the average design wastewater discharge (2.0 mgd / 3.1 cfs) from the new plant is 6.4 to 1.

The project does not conflict with the Comprehensive Plan and is designed to prevent substantial adverse impact on the water resources related environment, while sustaining the current and future water uses and development of the water resources of the Basin.

C. DECISION

I. Effective on the approval date for Docket No. D-1974-176 CP-3 below:

a. The project described in Docket No. D-1974-176 CP-2 is removed from the Comprehensive Plan to the extent that it is not included in Docket No. D-1974-176 CP-3; and

b. Docket No. D-1974-176 CP-2 is terminated and replaced by Docket No. D-1974-176 CP-3; and

c. The project and the appurtenant facilities described in Section A “Physical Features” of this docket shall be continued in the Comprehensive Plan.

II. The project and appurtenant facilities as described in Section A “Physical Features” of this docket are approved pursuant to Section 3.8 of the *Compact*, subject to the following conditions:

a. Docket approval is subject to all conditions, requirements, and limitations imposed by the PADEP in its NPDES permit and such conditions, requirements, and limitations are incorporated herein, unless they are less stringent than the Commission’s.

b. The facility and operational records shall be available at all times for inspection by the DRBC.

c. The facility shall be operated at all times to comply with the requirements of the Commission’s *WQR*.

d. The docket holder shall comply with the requirements contained in the Effluent Table(s) in Section A.4.d. of this docket. The docket holder shall submit the required monitoring results directly to the DRBC Project Review Section. The monitoring results shall be

submitted annually, absent any observed limit violations, by January 31. If a DRBC effluent limit is violated, the docket holder shall submit the result(s) to the DRBC within 30 days of the violation(s) and provide a written explanation that states the action(s) the docket holder has taken to correct the violation(s) and protect against any future violations.

e. Except as otherwise authorized by this docket, if the docket holder seeks relief from any limitation based upon a DRBC water quality standard or minimum treatment requirement, the docket holder shall apply for approval from the Executive Director or for a docket revision in accordance with Section 3.8 of the *Compact* and the *Rules of Practice and Procedure*.

f. If at any time the receiving treatment plant proves unable to produce an effluent that is consistent with the requirements of this docket approval, no further connections shall be permitted until the deficiency is remedied.

g. Nothing herein shall be construed to exempt the docket holder from obtaining all necessary permits and/or approvals from other State, Federal or local government agencies having jurisdiction over this project.

h. The docket holder is permitted to treat and discharge wastewaters as set forth in the Area Served section of this docket, which incorporates by reference sections B (Type of Discharge) and D (Service Area) of the docket holder's Application to the extent consistent with all other conditions of this DECISION section.

i. The docket holder shall make wastewater discharge in such a manner as to avoid injury or damage to fish or wildlife and shall avoid any injury to public or private property.

j. No sewer service connections shall be made to newly constructed premises with plumbing fixtures and fittings that do not comply with water conservation performance standards contained in Resolution No. 88-2 (Revision 2).

k. Nothing in this docket approval shall be construed as limiting the authority of DRBC to adopt and apply charges or other fees to this discharge or project.

l. The issuance of this docket approval shall not create any private or proprietary rights in the waters of the Basin, and the Commission reserves the right to amend, suspend or rescind the docket for cause, in order to ensure proper control, use and management of the water resources of the Basin.

m. Unless an extension is requested and approved by the Commission in advance, in accordance with paragraph 11 of the Commission's Project Review Fee schedule (Resolution No. 2009-2), the docket holder is responsible for timely submittal of a docket renewal application on the appropriate DRBC application form at least 12 months in advance of the docket expiration date set forth below. The docket holder will be subject to late charges in the event of untimely submittal of its renewal application, whether or not DRBC issues a reminder notice in advance of the deadline or the docket holder receives such notice. In the

event that a timely and complete application for renewal has been submitted and the DRBC is unable, through no fault of the docket holder, to reissue the docket before the expiration date below (or the later date established by an extension that has been timely requested and approved), the terms and conditions of the current docket will remain fully effective and enforceable against the docket holder pending the grant or denial of the application for docket approval.

n. The Executive Director may modify or suspend this approval or any condition thereof, or require mitigating measures pending additional review, if in the Executive Director's judgment such modification or suspension is required to protect the water resources of the Basin.

o. Any person who objects to a docket decision by the Commission may request a hearing in accordance with Article 6 of the Rules of Practice and Procedure. In accordance with Section 15.1(p) of the Delaware River Basin Compact, cases and controversies arising under the Compact are reviewable in the United States district courts.

p. The docket holder may request of the Executive Director in writing the substitution of specific conductance for TDS. The request should include information that supports the effluent specific correlation between TDS and specific conductance. Upon review, the Executive Director may modify the docket to allow the substitution of specific conductance for TDS monitoring.

q. Nothing in this docket constitutes a defense to any penalty action for past conduct of the docket holder or ongoing activity not authorized by this approval. In particular, renewal of this docket does not resolve violations – whether in the past or continuing – of provisions of the Delaware River Basin Compact (“Compact”) or any rule, regulation, order or approval duly issued by the Commission or the Executive Director pursuant to the Compact. The Commission reserves its right to take appropriate enforcement action against the docket holder, including but not limited to recovery of financial penalties consistent with Section 14.17 of the Compact, for any and all such prior or continuing violations.

r. The docket holder is prohibited from treating/pre-treating any hydraulic fracturing wastewater from sources in or out of the Basin at this time. Should the docket holder wish to treat/pre-treat hydraulic fracturing wastewater in the future, the docket holder will need to first apply to the Commission to renew this docket and be issued a revised docket allowing such treatment and an expanded service area. Failure to obtain this approval prior to treatment/pre-treatment will result in action by the Commission.

BY THE COMMISSION

DATE APPROVED:

EXPIRATION DATE: September 12, 2017